IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.408 OF 2006

Shivaji Tukaram Jambhale : Applicant

versus

The State of Maharashtra : Respondent.

Mr.S.A.Ingwale for the applicant.

Mr.Rajesh More, APP, for the State.

CORAM : V.M.KANADE, J.

DATED : 10th February 2006.

ORAL ORDER

1. Heard learned counsel appearing for the applicant and learned APP for the State. The applicant was arrested in connection with C.R.No.32 of 2005 which was registered by Gadhinglaj Police Station, Kolhapur for the offences punishable under Sections 304-B r/w 498-A of the Indian Penal Code.

2. It is alleged that the applicant, who was married to the deceased in the year 1998, used to continuously demand dowry and deceased committed suicide on account of the said harassment in August 2005. The applicant is in jail since then. Charge sheet has been filed. The learned APP has invited my attention to the statements of other witnesses who have stated that the applicant was a person of stubble nature and that he used to demand dowry from his wife.

3. I have perused the material which is on record. However, it appears that there is no evidence to indicate that the applicant had any time assaulted the deceased. Secondly, the alleged demand of dowry has not been substantiated. Further, period of seven years is almost over at the time when the deceased committed suicide. There is also no dying declaration of the deceased recorded by the police. Considering these facts, in my view, the applicant is entitled for grant of bail. Therefore, the applicant to be released on bail in the sum of Rs.5,000/- [Rupees Five Thousand only] with one or two sureties in the like

amount. The applicant shall report to the Gadhinglaj Police Station, Kolhapur once in a month. Application is disposed of. It is made clear that any observation made by this Court while deciding this application should not be construed to mean that this court has expressed any opinion on merits of the case.

[V.M.KANADE,J]